

REMARKS

In the Office Action mailed from the United States Patent and Trademark Office on October 3, 2005, the Examiner rejected Claims 1-11 and 66-76 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regards as the invention. The Examiner also rejected claims 1-11 and 66-76 under 35 U.S.C. §103(a) as being unpatentable over Wolfberg et al. (US 5,745,706).

Accordingly, Applicant respectfully provides the following.

1. Claim Rejections under 35 U.S.C. §112, second paragraph

The Examiner rejected claims 1-11 and 66-76 because the term “the funds,” as used in claims 1 and 66, lacks antecedent basis. In response, Applicants amended these claims to read “funds.” Accordingly, Applicants respectfully submit that the amended claims satisfy the requirements of section 112 and request withdrawal of the Examiner’s rejections under this section.

2. Claim Rejections under 35 U.S.C. §103(a).

The Examiner rejected claims 1-11 and 66-76 under Section 103(a) as being unpatentable over Wolfberg. In response, Applicants amended independent claims 1 and 66 and provide the following explanation.

To establish a *prima facie* case of obviousness, three criteria must be met. First, there must be some suggestion or motivation . . . to modify the reference or to combine reference

teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP 2142.

A portion of amended claim 1 reads:

providing a virtual job account and a virtual allocation account which combined correspond to an actual account, each of said accounts comprise a balance, which represents a fraction of funds available from said actual account;

In addition, a portion of amended claim 66 reads:

providing a funded actual account corresponding to a plurality of virtual job-based budget accounts, and a plurality of virtual job-based allocation accounts;

Virtual accounts have modularity not present in actual accounts and provide a user with greater management ability and flexibility. For instance, for small business owners, accurate budgeting and spending is critical. It is also advantageous for small business owners to segregate spending accounts. However, it is impractical and inefficient to have different actual spending accounts for each job or category. Such actual segregation would require separate check books, debit cards, etc. In addition, such actual segregation would increase the potential penalties for overdrafting an account, as the business owner could potentially be liable for overdraft charges on multiple accounts, instead of just one. Thus, the virtual account limitations of the present invention provide many benefits to the user. These benefits and the virtual account limitations are not found in Wolfberg's actual individual spending and investment accounts. Instead, Wolfberg teaches a computerized system that informs a user when certain account adjustments are necessary. *See Abstract.* Under Wolfberg's teachings, if a user wanted to be notified that he

or she had violated a spending limit, the user must align limits to certain accounts. *See Abstract; Col. 1, l. 67 – col. 2, l. 31.* As discussed above, this limits the user by forcing him or her to create multiple accounts, causing inefficiency and inflexibility not found in the present invention.

Therefore, as the cited reference fails to disclose or suggest all of the claim limitations of independent claims of the present invention, the present invention is not obvious in view of the cited reference. As claims 2-11 and 67-76 depend from otherwise allowable subject matter, such claims are also not obvious in view of the cited references.

Accordingly, Applicant respectfully requests withdrawal of the rejections of claims 1-11 and 66-76 under Section 103.

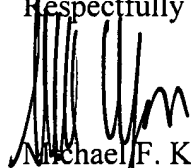
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CONCLUSION

If any impediments to the allowance of this application for patent remain after the above amendments and remarks are entered, the Examiner is invited to initiate a telephone conference with the undersigned attorney of record.

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Respectfully submitted,



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